



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

---

F.5.

12/8/2020

---

### **Subject:**

Approval, Re: Conveyance of Additional Three Feet Needed for Lift Station U-94 - District 4.

### **Fiscal Impact:**

None

### **Dept/Office:**

Public Works Department / Land Acquisition / Utility Services Department

### **Requested Action:**

It is requested that the Board of County Commissioners approve and accept the Special Warranty Deed.

### **Summary Explanation and Background:**

The subject property is located in Section 33, Township 25 South, Range 36 East, on the east side of Stadium Parkway and south of Lake Andrew Drive.

The Viera Company is planning a commercial development in an area known as The Viera Boulevard Commercial Center 1, Phase 1. On the plat for this development, as recorded in Plat Book 67, Page 46, Tract D was dedicated to Brevard County as a Sanitary Sewer Lift Station. An additional three feet of area is needed to accommodate the foundation of the antenna tower that was constructed slightly outside of the lift station parcel.

The User Department approves this request.

This acquisition follows the policies and procedures as set forth in Administrative Order 37.

### **Clerk to the Board Instructions:**

# BOARD OF COUNTY COMMISSIONERS

## AGENDA REVIEW SHEET

AGENDA: Conveyance of Additional Three Feet Needed for Lift Station U-94 – District 4.

AGENCY: Public Works Department / Land Acquisition

AGENCY CONTACT: Lucy Hamelers, Land Acquisition Supervisor

CONTACT PHONE: 321-690-6847 extension 58351

	APPROVE	DISAPPROVE	DATE
LAND ACQUISITION Lucy Hamelers, Supervisor	<u>RA</u>	<u>                    </u>	<u>11-18-2020</u>
COUNTY ATTORNEY Christine Schverak Assistant County Attorney	<u>cms</u>	<u>                    </u>	<u>11-19-2020</u>



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

December 9, 2020

**M E M O R A N D U M**

**TO:** Marc Bernath, Public Works Director

**RE:** Item F.5. Approval for Conveyance of Additional Three Feet Needed for Lift Station U-94

The Board of County Commissioners, in regular session on December 8, 2020, approved and accepted the Special Warranty Deed for conveyance of additional three foot needed for Lift Station U-94.

Your continued cooperation is greatly appreciated.

Sincerely yours,

**BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK**

*for Denna Scott*  
Kimberly Powell, Deputy Clerk

/ds

cc: Utility Services

**This Instrument Prepared By  
And To Be Returned To:**

Benjamin E. Wilson, Esq.  
The Viera Company  
7380 Murrell Road, Suite 201  
Viera, Florida 32940  
(321) 242-1200

Folio Number: A portion of Parcel ID# 25-36-33-00-257

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed") is made as of the 17<sup>th</sup> day of November 2020 by THE VIERA COMPANY, a Florida corporation ("Grantor"), whose post office address is 7380 Murrell Road, Suite 201, Viera, Florida 32940, to BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida ("Grantee"), whose post office address is Brevard County Government Operations Center, 2725 Judge Fran Jamieson Way, Building C., Viera, Florida 32940, Attention: County Attorney.

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are acknowledged, grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee that certain real property situated, lying and being in Brevard County, Florida, more particularly described as in Exhibit "A" attached hereto and incorporated herein by this reference (the "Property").

TOGETHER with all of the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining and including all existing sanitary sewer improvements located thereon.

TO HAVE AND TO HOLD the Property in fee simple forever.

AND Grantor covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; and that Grantor warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through, or under Grantor, but against no others. This conveyance is subject to taxes for the year 2021 and subsequent years, the easement reservations and restrictive covenants set forth in that certain Plat of Viera Boulevard Commercial Center II—recorded in Plat Book 68, Page 67, of the Public Records of Brevard County, Florida, and all other easements, restrictions, reservations, conditions, covenants, limitations and agreements of record, but this reference to such matters shall not operate to re-impose the same.

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed on the day and year first above written.

Signed, sealed and delivered  
in the presence of:

THE VIERA COMPANY,  
a Florida corporation

Benjamin E. Wilson  
Print Name: Benjamin E. Wilson

By: [Signature]  
Name: Todd J. Pokrywa  
Title: President

Cheryl A. Koschinski  
Print Name: Cheryl A. Koschinski

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by ☒ physical presence or \_\_\_\_\_  
online notarization this 17<sup>th</sup> day of November 2020 by TODD J. POKRYWA as  
PRESIDENT of THE VIERA COMPANY, a Florida corporation, on behalf of said corporation.  
Said person (check one) ☒ is personally known to me, ☐ produced a driver's license (issued by a  
state of the United States within the last five (5) years) as identification, or ☐ produced other  
identification, to wit: \_\_\_\_\_.



BENJAMIN E WILSON  
Commission # GG 146829  
Expires October 10, 2021  
Bonded Thru Budget Notary Services

Benjamin E. Wilson  
Print Name: Benjamin E. Wilson  
Notary Public  
Commission No.: GG 146829  
My Commission Expires: 10/10/2021

# LEGAL DESCRIPTION

## PARCEL # 100

PARENT PARCEL ID#: 25-36-33-00-257  
PURPOSE: FEE SIMPLE CONVEYANCE

## EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PARCEL # 100 FEE SIMPLE CONVEYANCE (PREPARED BY SURVEYOR)

PART OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5778, PAGE 5325, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN SECTION 33, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF TRACT D, VIERA BOULEVARD COMMERCIAL CENTER I-PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 67, PAGE 46, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN N86°05'24"E, ALONG THE SOUTH LINE OF SAID TRACT D, A DISTANCE OF 40.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT D, (SAID POINT ALSO BEING A POINT ON THE BOUNDARY OF LOT 3, BLOCK D, VIERA BOULEVARD COMMERCIAL CENTER II, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 68, PAGE 67, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA); THENCE S03°54'36"E, ALONG THE BOUNDARY OF SAID LOT 3, BLOCK D, A DISTANCE OF 3.00 FEET; THENCE S86°05'24"W, CONTINUING ALONG THE BOUNDARY OF SAID LOT 3, BLOCK D, A DISTANCE OF 40.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF LAKE ANDREW DRIVE ACCORDING TO THE PLAT OF SAID VIERA BOULEVARD COMMERCIAL CENTER I-PHASE 1; THENCE N03°52'19"W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 3.00 FEET TO THE POINT OF BEGINNING. CONTAINING 120.00 SQUARE FEET OR 0.003 ACRES, MORE OR LESS.

### SURVEYORS NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. BEARING REFERENCE: ASSUMED BEARING OF N86°05'24"E ON THE SOUTH LINE OF TRACT D, VIERA BOULEVARD COMMERCIAL CENTER I - PHASE 1, RECORDED IN PLAT BOOK 67, PAGE 46, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
3. THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
4. THIS DESCRIPTION WAS PREPARED WITH THE BENEFIT OF THAT CERTAIN FIDELITY NATIONAL TITLE INSURANCE COMPANY PROPERTY INFORMATION REPORT, ORDER NO.: 8515295, CUSTOMER REFERENCE NUMBER: 002782/008760, DATED 06/03/2020 AT 5:00 PM. NO EASEMENTS AFFECTING OR ABUTTING THE LANDS DESCRIBED HEREON WERE FOUND IN THE DOCUMENTS REFERENCED IN SAID REPORT.
5. THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.
6. THIS DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

PREPARED FOR AND CERTIFIED TO:  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

LESLIE E. HOWARD, PSM 5641  
PROFESSIONAL SURVEYOR & MAPPER  
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: B.S.E. CONSULTANTS, INC.  
312 S. HARBOUR CITY BLVD  
MELBOURNE, FLORIDA 32901

DRAWN BY: LEH	CHECKED BY: LEH	PROJECT NO. 11371.01			SECTION 33 TOWNSHIP 25 SOUTH RANGE 36 EAST
DATE: 09/16/2020	DRAWING: 1137101_100_002	REVISIONS	DATE	DESCRIPTION	

# SKETCH OF DESCRIPTION

PARCEL # 100

PARENT PARCEL ID#: 25-36-33-00-257  
PURPOSE: FEE SIMPLE CONVEYANCE

EXHIBIT "A"

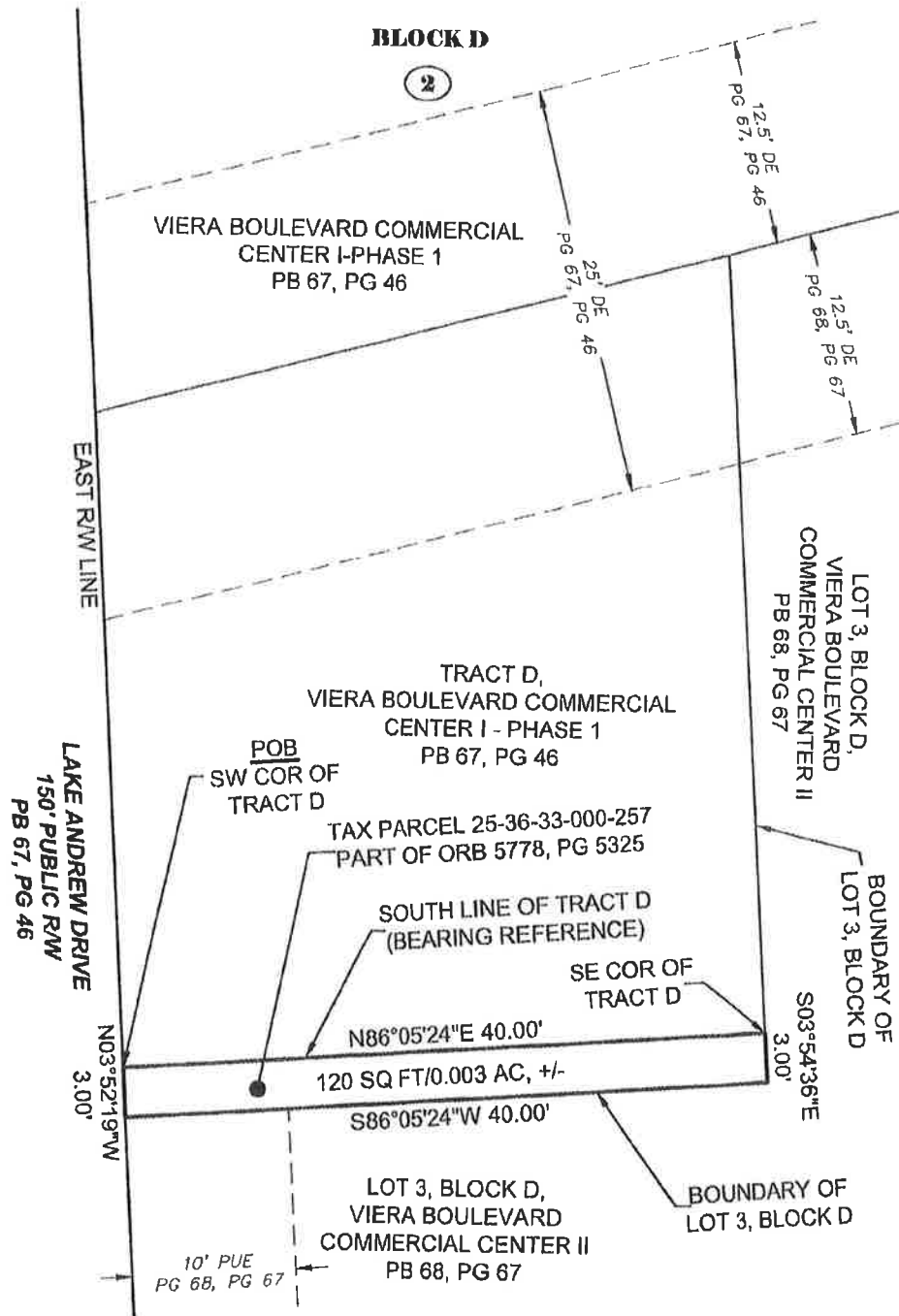
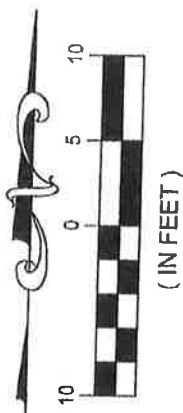
SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

THIS IS NOT A SURVEY

## ABBREVIATIONS

COR	CORNER
DE	DRAINAGE EASEMENT
ESMT	EASEMENT
FT	FEET
ID#	IDENTIFICATION NUMBER
IR	IRON ROD
IRC	IRON ROD AND CAP
LB	LICENSED BUSINESS
N&D	NAIL AND DISK
OR/ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PCP	PERMANENT CONTROL POINT
PG(S)	PAGE(S)
PK	PARKER-KALEN
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PUE	PUBLIC UTILITY EASEMENT
R/W	RIGHT-OF-WAY



PREPARED BY: B.S.E. CONSULTANTS, INC.  
312 S. HARBOUR CITY BLVD  
MELBOURNE, FLORIDA 3290

INTENDED SCALE:  
1" = 10'

PROJECT NO.:  
11371.01

SECTION 33  
TOWNSHIP 25 SOUTH  
RANGE 36 EAST

## LOCATION MAP

**Section 33, Township 25 South, Range 36 East - District 4**

PROPERTY LOCATION: East of Stadium Parkway, South of Lake Andrew Drive in Viera

OWNERS NAME: The Viera Company

